

No. 7:14-CV-260-BO

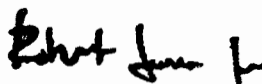
Defendant.

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Civ. 1268 GELKNF, 2007 WL 1946542, at *1 (S.D.N.Y. June 27, 2007) (unpublished)). Accordingly, Plaintiff shall file a list of his reasonable expenses incurred in making the motion by no later than **January 10, 2017**, and Defendant shall file any response by no later than **January 17, 2017**.

As for Plaintiff's motion to strike Defendant's response brief, the court has reviewed the motion, which appears instead to be a reply to Defendant's response. In any case, under the governing standards of Rule 12(f), striking Defendant's response is not supported. *See* Fed. R. Civ. P. 12(f) ("The court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter."); *Melvin v. Soc. Sec. Admin.*, 126 F. Supp. 3d 584, 596 (E.D.N.C. 2015) (declining to strike memoranda filed in support of or in opposition to motions because the documents were not "pleadings" as defined in Rule 7(a)); *see also Waste Mgmt. Holdings, Inc. v. Gilmore*, 252 F.3d 316, 347 (4th Cir. 2001) ("Rule 12(f) motions are generally viewed with disfavor 'because striking a portion of a pleading is a drastic remedy and because it is often sought by the movant simply as a dilatory tactic.'") (quoting 5A Charles Alan Wright & Arthur R. Miller, *Federal Practice & Procedure* § 1380, 647 (2d ed.1990)). Accordingly the motion to strike is denied.

So ordered, the 28th day of December 2016.



Robert B. Jones, Jr.
United States Magistrate Judge